

Response dated 07/07/2005
Response to Office Action of 02/7/2005

Application No. 09/863,928

REMARKS

Examiner Fontaine is thanked for her careful consideration of the present patent application. Nonetheless, Applicants respectfully submit that the three rejections presented in the Office Action are inappropriate and should be withdrawn.

By way of background, the claimed invention contemplates a process for preparing a cold-water soluble extruded starch product. The process comprises extruding the starch in an extruder under certain conditions specified in the claims. Claim 33, and those claims that depend therefrom, specify a process for preparing a coated food product, the coated food product being prepared by, *inter alia*, applying a seasoning adherence solution that has been prepared with an extruded starch product.

The references cited by the Examiner do not come close to suggesting the present invention. The Eastman reference is directed towards the preparation of a swellable starch, not a starch that is soluble (as that term is used in the context of the present invention). For example, at column 3, line 61, Eastman describes the cold-water swelling granule starches as starches that will "form a smooth viscous paste." Nor does Eastman teach us to use an extruder to prepare the starch; rather, Eastman uses an unspecified closed reactor.

The Rose reference is silent as to the solubility of the materials prepared therein. Rose does certainly not set out to prepare a soluble starch, but rather, to prepare a "shaped core product" which is apparently composed of some sort of foamed starch and which is said to be used as a core for paper products. Rose purports to disclose the use of hydroxypropylated starches, but it is not evident that the starch products made with such starches are soluble. For instance, at column 6, line 14 *et seq.*, the foam starch product is said to be "rapidly dispersed in the presence of water with moderate agitation."

Thus, the Rose reference does not expressly disclose a cold-water soluble starch. Nor does Rose suggest any advantages that may flow from solubility. This is not surprising, given that the purpose of Rose — the formation of a "shaped core product" — has nothing to do with solubility.

The Section 103 rejection is plainly improper. One in ordinary skill in the art would not be motivated to modify the conditions of Rose using the Eastman reference to arrive at the

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present invention. Rose is not concerned at all with solubility. Eastman purports to teach of cold-water swellable starches, not soluble starches, and provides reaction conditions that are usable in different types of equipment. In other words, given the failure of Eastman to disclose a cold-water soluble starch, and given the deficiencies of Rose in failing to expressly teach solubility or to suggest any advantage of a soluble product, the claimed invention cannot follow from a combination of these references. The Hansen reference is relied upon only for claims 37 and 38 and this reference does not fail to overcome the deficiencies of Eastman and Rose.

With respect to the double patenting rejection, Applicants respectfully traverse same. The claims pending in 10/687,498 were restricted from the present application Pursuant to 35 USC §121, the double patenting restriction is improper.

CONCLUSION

For the foregoing reasons, the claims of the present application are allowable, and a prompt Notice of Allowance is respectfully solicited.

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Respectfully submitted,

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